

### **Marked-up version of amended claims**

12. (amended) The method for presenting a price comparison according to claim 11 further comprising

collecting [the] additional information from sales circulars, advertised specials, sales promotions, or merchants;

collecting information relating to merchant name, merchant address, product description, model number, regular price, sales price, coupons, rebates, colors, or sizes;

entering attributes into a search key;

entering geographical region, postal code, town name, county name, state name, product name, product category, model number, product description, price, product features, or brand name into the search key;

sorting the database according to price.

13. (amended) The method for presenting a price comparison according to claim 11 further comprising

entering attributes into a search key;

sorting the database according to merchant name, product name or model number;

entering data for merchants offering a specific product in a specific state into the database, wherein the data includes merchant name, product description, [sales price, product description,] sales price, coupons or rebates;

providing access to the database through a browser interface;

presenting options to the prospective buyer for choosing a state and a product;

choosing a state and [an object] a product by the prospective buyer;

retrieving the data after the state and product are chosen;

sorting records in an ascending order based on sales price into a listing;

presenting the prospective buyer with the listing of merchants offering the product for sale in the chosen state;  
furnishing an option to the prospective buyer to initiate sorting based on a merchant name.

14. (amended) The method for presenting a price comparison according to claim 11 further comprising  
mapping the data to a unique address for a geographical area-product combination;  
connecting to [a] the unique address;  
immediately presenting comparison data for a unique geographical area-product pair to the prospective buyer.

15. (amended) The method for presenting a price comparison according to claim 11 further comprising  
checking inventory at a [store] local store of a merchant upon request of a prospective buyer to determine availability of a chosen product;  
reserving the product at the local store for pickup after determining availability has been performed.

16. (amended) The method for presenting a price comparison according to claim 15 further comprising  
entering a registration token or a credit card number;  
accepting the registration token or [a] credit card number by the merchant;  
guaranteeing [the] a purchase by the merchant based on the accepting of the registration token or [a] credit card number by the merchant.

17. (amended) The method for presenting a price comparison according to claim 11 further comprising  
collecting [the] additional information from sales circulars, advertised specials, sales promotions, or merchants;

collecting information relating to merchant name, merchant address, product description, model number, regular price, sales price, coupons, rebates, colors, or sizes;

entering attributes into a search key;

entering geographical region, postal code, town name, county name, state name, product name, product category, model number, product description, price, product features, or brand name into the search key;

sorting the database according to price, merchant name, product name or model number;

entering data for merchants offering a specific product in a specific state into the database, wherein the data includes merchant name, product description, [sales price, product description,] sales price, coupons or rebates;

providing access to the database through a browser interface;

presenting options to the prospective buyer for choosing a state and a product;

choosing a state and [an object] a product by the prospective buyer;

retrieving the data after the state and product are chosen;

sorting records in an ascending order based on sales price into a listing;

presenting the prospective buyer with the listing of merchants offering the product for sale in the chosen state;

furnishing an option to the prospective buyer to initiate sorting based on a merchant name;

mapping the data to a unique address for a geographical area-product combination;

connecting to [a] the unique address;

immediately presenting comparison data for a unique geographical area-product pair to the prospective buyer;

checking inventory at a [store] local store of a merchant upon request of a prospective buyer to determine availability of a chosen product;  
reserving the product at the local store for pickup after determining availability has been performed;  
entering a registration token or a credit card number;  
accepting the registration token or [a] credit card number by the merchant;  
guaranteeing [the] a purchase by the merchant based on the accepting of the registration token or [a] credit card number by the merchant.

20. (amended) The method of claim 18, further comprising checking [said] a store inventory of said merchants to determine the availability of said products.

21. (amended) The method of claim 18, further comprising reserving at least one of a plurality of said products that can be picked up later at said merchant [store] stores.

22. (amended) The method of claim 18, further comprising accepting a credit card number from said prospective buyer to purchase [said products] a product.

23. (amended) An apparatus for presenting price comparison to a prospective buyer for products offered for sale by a plurality of merchants, said merchants stocking said products in stores that said prospective buyer may personally visit to see and/or touch and/or feel said products, comprising:

at least one of a plurality of storage devices;

at least one of a plurality of processors connected to said at least one of a plurality of storage devices;

said at least one of a plurality of storage devices storing

information from a plurality of said merchants that comprises data on said products including price;

a program for controlling said at least one of a plurality of processors said at least one of a plurality of processors operative with said program to present at least one of a plurality of records that shows said comparison to said prospective buyer.

24. (amended) The apparatus of claim 23, in which said at least one of a plurality of processors are further operative with said program to use a search key to retrieve said data from said at least one of a plurality of storage devices.

25. (amended) The apparatus of claim 23, in which said at least one of a plurality of processors are further operative with said program to check [said] a store inventory of said merchants to determine the availability of said products.

26. (amended) The apparatus of claim 23, in which said at least one of a plurality of processors are further operative with said program to reserve at least one of a plurality of said products that can be picked up later at said merchant stores.

27. (amended) The apparatus of claim 23, in which said at least one of a plurality of processors [processor] is further operative with said program to receive a credit card number from said prospective buyer to purchase [said products] a product.

## **REMARKS**

Claims 11 through 27 continue to be in the case..

New claims 18 through 27 are being added. These claims are based on claims 10 - 20, of which there is no record at the USPTO. Claims 11-20 were merely corrected claims 1-10, and corrections were responsive to Examiner objections to informalities and punctuation

1. Claims 1-10 have been cancelled by the Applicant (as per remarks in the Preliminary Amendment filed on January 31, 2002, paper no. 5, and confirmed during an interview, paper no. 6).

Claims 11-27 have been added by Preliminary Amendments filed on September 8, 2000, September 21, 2001, and January 31, 2002 (paper nos. 2, 3, and 5).

Claims 11-27 are presented in the Office Action for examination.

The Office Action refers to the Declaration

2. The declaration is defective. A new declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required See MPEP §§ 602.01 and 602.02.

The declaration is defective because it appears that neither of the inventors signed the declaration. Instead, "Sd--" is written on the signature lines of both inventors. Please submit a substitute declaration with both inventors' signatures.

Applicants are preparing a new declaration for submission.

The Office Action refers to Drawings.

3. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. Furthermore, the specification should

be amended to make reference to the drawings) and all depicted reference numerals. No new matter may be introduced in the required drawing(s).

Applicants respectfully submit that six Figures were field with the amendment dated June 12, 2000. Applicants would appreciate some guidance regarding further drawings. Applicants are in the process of considering preparing a further drawing and will submit such drawing promptly.

The Office Action refers to the Specification.

4. The disclosure stands objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Applicants respectfully submit that there is a printed version of the application and that it is not clear what represents the embedded hyperlink in the paper version.

5. Please note that the Examiner has amended the continuing data (under 35 U.S.C. 120) to state that Application No. 09/144,789 is abandoned (Instead of pending, as previously submitted by the Applicant in the amendment filed on September 8, 2000, paper no. 3).

Applicants appreciate the kind amendment of the continuing data by the Examiner.

The Office Action refers to Claim Objections.

6. Claims 13, 15-17, and 23-27 stand objected to because of the following informalities:

Claim 13, lines 8-9. The recitations of a "product description" and a "sales price" are each repeated twice in lines 8-9 of the claim  
Claim 15. line 3, delete "a store local", insert--a local store-

Claim 16, line 4, delete "a" before "credit card number"

Claim 16, line 7, delete "a" before "credit card number"

Claim 17, lines 17-18: The recitations of a "product description" and a "sales price" are each repeated twice in lines 17-18 of the claim

Claim 17, line 36, delete "a store local", insert--a local store--

Claim 17, line 42, delete "a" before "credit card number"

Claim 17, line 45, delete "a" before "credit card number"

Claim 23, line 6, insert --at least one of a plurality of-- before "storage devices" in order to provide proper antecedent basis

Claim 23, line 7, insert --at least one of a plurality of-- before "storage devices" in order to provide proper antecedent basis

Claim 23, line 10, insert --at least one of a plurality of-- before "processors" in order to provide proper antecedent basis

Claim 23, line 11, insert --at least one of a plurality of-- before "processors" in order to provide proper antecedent basis

Claim 24, line 1, insert --at least one of a plurality of-- before "processors" in order to provide proper antecedent basis

Claim 24, line 3, insert--at least one of a plurality of-- before "storage devices" in order to provide proper antecedent basis

Claim 25, line 1, insert --at least one of a plurality of-- before "processors" in order to provide proper antecedent basis

Claim 26, line 1, insert--at least one of a plurality of-- before "processors" in order to provide proper antecedent basis

Claim 27, line 1, insert--at least one of a plurality of-- before "processors" in order to provide proper antecedent basis

Appropriate correction is required.

The present amendment amends the claims appropriately.



The Office Action refers to Claim Rejections - 35 USC § 112.

8. Claims 11-27 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As explained in the last Office correspondence sent to the Applicant (paper no. 4), claims 21-27 have been renumbered as claims 11-17, respectively, under 37 CFR 1.126. Consequently, all claim dependencies need to be fixed as well. For examination purposes, the Examiner assumes the proper claim dependencies to be as follows:

Claim 12, line 2, delete "21", insert--11-

Claim 13, line 2, delete "21", insert --11-

Claim 14, line 2. delete "21", insert --11-

Claim 15, line 2, delete "21", insert--11-

Claim 16, line 2, delete "25", Insert--15-

Claim 17, line 2, delete "21", insert --11--

Claims 19-22 are dependent from claim 1, but claim 1 is cancelled; therefore, for examination purposes, claims 19-22 are assumed to be dependent from claim 18 instead.

Claims 24-27 are dependent from claim 6, but claim 6 is cancelled; therefore, for examination purposes, claims 24-27 are assumed to be dependent from claim 23 instead.

Applicants thank the examiner for the kind renumbering and changes of dependencies of claims, which are being adopted consequently in the present amendment.

Claim 11 states that information is collected from "a plurality of merchants," yet dependent claim 12 recites, "collecting the information from sales circulars, advertised specials, sales promotions, merchants." First, it is

not clear whether or not the information is collected from "sales circulars, advertised specials, sales promotions, and merchants" or "sales circulars, advertised specials, sales promotions, or merchants". Second, if collecting data from merchants is only one of several alternatives (as recited in claim 12), claim 12 seems to conflict with claim 11, which positively recites that the information is collected from a plurality of merchants. These same issues arise in claim 17 as well.

Claim 13 recites the limitation "an object" in line 14. This "object" seems to refer to the "product" recited in the previous line. Please clarify and correct, if appropriate.

Claim 17 recites the limitation "an object" in line 23. This "object" seems to refer to the "product" recited in the previous line. Please clarify and correct, if appropriate.

Claim 13 recites the limitation "the buyer" in line 18. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, "the buyer" will be interpreted as "the prospective buyer."

Claim 14 recites the limitation "a unique address" in line 5. This "unique address" seems to refer to the "unique address" recited in line 3. Please clarify and correct (e.g., delete "a unique address," insert --the unique address-- in line 5), if appropriate.

Claim 16 recites the limitation "the purchase" in line 6. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, "the purchase" will be interpreted as "a purchase."

Claim 17 recites the limitation "the buyer" in line 27. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, "the buyer" will be interpreted as "the prospective buyer."

Claim 17 recites the limitation "a unique address" in line 33. This "unique address" seems to refer to the 'unique address' recited in line 31. Please clarify and correct (e.g., delete "a unique address." insert--the unique address-- in line 33), if appropriate.

Claim 17 recites the limitation "the purchase" in line 44. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, "the purchase" will be interpreted as "a purchase."

Claim 20 recites the limitation "said store inventory" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, "said store inventory" will be interpreted as "a store inventory."

Claim 21 recites the limitation "said merchant store" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, "said merchant store" will be interpreted as "said merchant stores"

Claim 22 recites that a prospective buyer is purchasing multiple products (i.e., "said products"); however, independent claim 18 seems to recite the comparison of multiple products. Therefore, it is not clear if the purchase of "said products" is intended to mean that the prospective buyer is purchasing all of the products compared to one another in claim 18. It seems more logical that a prospective buyer would only purchase a subset of the products being compared, based at least on price. Please clarify.

Claim 25 recites the limitation "said store inventory" in line 2. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, "said store inventory" will be interpreted as "a store inventory"

Claim 26 recites the limitation "said merchant store" in line 3. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, "said merchant store" will be interpreted as "said merchant stores."

Claim 27 recites that a prospective buyer is purchasing multiple products (i.e., "said products"); however, independent claim 23 seems to recite the comparison of multiple products. Therefore, it is not clear if the purchase of "said products" is intended to mean that the prospective buyer is purchasing all of the products compared to one another in claim 23. It seems more logical that a prospective buyer would only purchase a subset of the products being compared, based at least on price. Please clarify.

Appropriate clarification and/or correction is required.

Applicants are amending the claims to obviate the objections.

In light of the numerous rejections under 35 U. S. C. 112, 2<sup>nd</sup> paragraph, the following art rejection reflects the Examiner's best interpretation of the claimed invention.

Applicants thank the Examiner for making proposals as to the interpretation of ambiguous clauses and for examining the claims based on these proposals.

The Office Action refers to Claim Rejections - 35 USC § 103.

10. Claims 11-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over "Ziff-Davis Signs Up 189 Advertisers for the Coming Launch of Its Computer Shopper NetBuyer Web Site" (herein referred to as Ziff-Davis) in view of "Service Merchandise Uses NetDynamics to Move Its Entire Catalog Onto the Internet" (herein referred to as NetDynamics).

Ziff-Davis discloses a method for presenting a price comparison to a prospective buyer comprising:

The rejection is respectfully traversed.

Claims 18 requires:

“collecting information from a plurality of said merchants that comprises data on said products including price;  
storing said data into at least one of a plurality of databases;  
presenting at least one of a plurality of records that shows said comparison to said prospective buyer.”

Thus claim 18 requires providing a presentation with price comparison of local merchants to a prospective buyer. In contrast Ziff-Davies 12 will bring computer buyers and sellers together in an interactive one stop shopping environment. There is nothing in Ziff-Davis about a presentation of a price comparison of local merchants where the products can be picked up afterwards.

Applicants submit that the prior art made of record neither anticipates nor renders obvious the present invention.

Reconsideration of all outstanding rejections is respectfully requested.

All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully,

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By  \_\_\_\_\_

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